

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide a complete substitute.

**IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.**

**H.R. 4788**

To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. LUGAR

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Grain Standards and Warehouse Improvement Act of  
6 2000”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

## 2

- Sec. 101. Sampling for export grain.
- Sec. 102. Geographic boundaries for official agencies.
- Sec. 103. Authorization to collect fees.
- Sec. 104. Testing of equipment.
- Sec. 105. Limitation on administrative and supervisory costs.
- Sec. 106. Licenses and authorizations.
- Sec. 107. Grain additives.
- Sec. 108. Authorization of appropriations.
- Sec. 109. Advisory committee.
- Sec. 110. Conforming amendments.

## TITLE II—WAREHOUSES

- Sec. 201. Storage of agricultural products in warehouses.
- Sec. 202. Regulations.

## TITLE III—MISCELLANEOUS

- Sec. 301. Energy generation, transmission, and distribution facilities efficiency grants and loans in rural communities with extremely high energy costs.
- Sec. 302. Carry forward adjustment.
- Sec. 303. Fees and penalties for mediation and arbitration of disputes involving agricultural products moving in foreign commerce under multinational entities.
- Sec. 304. Community facilities grant program for rural communities with extreme unemployment and severe economic depression.
- Sec. 305. Community facilities grant program for rural communities with high levels of out-migration or loss of population.
- Sec. 306. State agricultural mediation programs.
- Sec. 307. Adjustments to nutrition programs.
- Sec. 308. Authorization for Secretary of Agriculture to purchase and transfer land.
- Sec. 309. Extension of time period for filing certain complaints alleging preparation of false inspection certificates.
- Sec. 310. International food relief partnership.

1      **TITLE I—GRAIN STANDARDS**2      **SEC. 101. SAMPLING FOR EXPORT GRAIN.**

3            Section 5(a)(1) of the United States Grain Standards  
4 Act (7 U.S.C. 77(a)(1)) is amended by striking “(on the  
5 basis” and all that follows through “from the United  
6 States)”.

1 **SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGEN-**  
2 **CIES.**

3 (a) INSPECTION AUTHORITY.—Section 7(f) of the  
4 United States Grain Standards Act (7 U.S.C. 79(f)) is  
5 amended by striking paragraph (2) and inserting the fol-  
6 lowing:

7 “(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL  
8 AGENCIES.—Not more than 1 official agency des-  
9 ignated under paragraph (1) or State delegated au-  
10 thority under subsection (e)(2) to carry out the in-  
11 spection provisions of this Act shall be operative at  
12 the same time in any geographic area defined by the  
13 Secretary, except that, if the Secretary determines  
14 that the presence of more than 1 designated official  
15 agency in the same geographic area will not under-  
16 mine the policy stated in section 2, the Secretary  
17 may—

18 “(A) allow more than 1 designated official  
19 agency to carry out inspections within the same  
20 geographical area as part of a pilot program;  
21 and

22 “(B) allow a designated official agency to  
23 cross boundary lines to carry out inspections in  
24 another geographic area if the Secretary also  
25 determines that—

1 “(i) the current designated official  
2 agency for that geographic area is unable  
3 to provide inspection services in a timely  
4 manner;

5 “(ii) a person requesting inspection  
6 services in that geographic area has not  
7 been receiving official inspection services  
8 from the current designated official agency  
9 for that geographic area; or

10 “(iii) a person requesting inspection  
11 services in that geographic area requests a  
12 probe inspection on a barge-lot basis.”.

13 (b) WEIGHING AUTHORITY.—Section 7A(i) of the  
14 United States Grain Standards Act (7 U.S.C. 79a(i)) is  
15 amended—

16 (1) by striking “(i) No” and inserting the fol-  
17 lowing:

18 “(i) UNAUTHORIZED WEIGHING PROHIBITED.—

19 “(1) IN GENERAL.—No”;

20 (2) by striking the second sentence; and

21 (3) by adding at the end the following:

22 “(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL  
23 AGENCIES.—Not more than 1 designated official  
24 agency referred to in paragraph (1) or State agency  
25 delegated authority pursuant to subsection (c)(2) to

1 carry out the weighing provisions of this Act shall be  
2 operative at the same time in any geographic area  
3 defined by the Secretary, except that, if the Sec-  
4 retary determines that the presence of more than 1  
5 designated official agency in the same geographic  
6 area will not undermine the policy stated in section  
7 2, the Secretary may—

8 “(A) allow more than 1 designated official  
9 agency to carry out the weighing provisions  
10 within the same geographical area as part of a  
11 pilot program; and

12 “(B) allow a designated official agency to  
13 cross boundary lines to carry out the weighing  
14 provisions in another geographic area if the  
15 Secretary also determines that—

16 “(i) the current designated official  
17 agency for that geographic area is unable  
18 to provide the weighing services in a timely  
19 manner; or

20 “(ii) a person requesting weighing  
21 services in that geographic area has not  
22 been receiving official weighing services  
23 from the current designated official agency  
24 for that geographic area.”.

1 **SEC. 103. AUTHORIZATION TO COLLECT FEES.**

2 (a) INSPECTION AND SUPERVISORY FEES.—Section  
3 7(j)(4) of the United States Grain Standards Act (7  
4 U.S.C. 79(j)(4)) is amended in the first sentence by strik-  
5 ing “2000” and inserting “2005”.

6 (b) WEIGHING AND SUPERVISORY FEES.—Section  
7 7A(l)(3) of the United States Grain Standards Act (7  
8 U.S.C. 79a(l)(3)) is amended in the first sentence by strik-  
9 ing “2000” and inserting “2005”.

10 **SEC. 104. TESTING OF EQUIPMENT.**

11 Section 7B(a) of the United States Grain Standards  
12 Act (7 U.S.C. 79b(a)) is amended in the first sentence  
13 by striking “but at least annually and”.

14 **SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPER-**  
15 **VISORY COSTS.**

16 Section 7D of the United States Grain Standards Act  
17 (7 U.S.C. 79d) is amended—

18 (1) by striking “2000” and inserting “2005”;

19 and

20 (2) by striking “40 per centum” and inserting  
21 “30 percent”.

22 **SEC. 106. LICENSES AND AUTHORIZATIONS.**

23 Section 8(a)(3) of the United States Grain Standards  
24 Act (7 U.S.C. 84(a)(3)) is amended by inserting “inspec-  
25 tion, weighing,” after “laboratory testing,”.

1   **SEC. 107. GRAIN ADDITIVES.**

2           Section 13(e)(1) of the United States Grain Stand-  
3   ards Act (7 U.S.C. 87b(e)(1)) is amended by inserting “,  
4   or prohibit disguising the quality of grain,” after “sound  
5   and pure grain”.

6   **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

7           Section 19 of the United States Grain Standards Act  
8   (7 U.S.C. 87h) is amended by striking “2000” and insert-  
9   ing “2005”.

10   **SEC. 109. ADVISORY COMMITTEE.**

11          Section 21(e) of the United States Grain Standards  
12   Act (7 U.S.C. 87j(e)) is amended by striking “2000” and  
13   inserting “2005”.

14   **SEC. 110. CONFORMING AMENDMENTS.**

15          (a) Section 8 of the United States Grain Standards  
16   Act of 1976 (7 U.S.C. 79 note; Public Law 94–582) is  
17   amended—

18               (1) by striking “(a)”; and

19               (2) by striking subsection (b).

20          (b) Sections 23, 24, and 25 of the United States  
21   Grain Standards Act of 1976 (7 U.S.C. 87e–1, 7 U.S.C.  
22   76 note; Public Law 94–582) are repealed.

23          (c) Section 27 of the United States Grain Standards  
24   Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is  
25   amended by striking “; and thereafter” and all that fol-  
26   lows and inserting a period.

1           **TITLE II—WAREHOUSES**

2   **SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN**  
3           **WAREHOUSES.**

4           The United States Warehouse Act (7 U.S.C. 241 et  
5 seq.) is amended to read as follows:

6   **“SECTION 1. SHORT TITLE.**

7           “This Act may be cited as the ‘United States Ware-  
8 house Act’.

9   **“SEC. 2. DEFINITIONS.**

10          “In this Act:

11               “(1) AGRICULTURAL PRODUCT.—The term ‘ag-  
12 ricultural product’ means an agricultural commodity,  
13 as determined by the Secretary, including a proc-  
14 essed product of an agricultural commodity.

15               “(2) APPROVAL.—The term ‘approval’ means  
16 the consent provided by the Secretary for a person  
17 to engage in an activity authorized by this Act.

18               “(3) DEPARTMENT.—The term ‘Department’  
19 means the Department of Agriculture.

20               “(4) ELECTRONIC DOCUMENT.—The term ‘elec-  
21 tronic document’ means a document that is gen-  
22 erated, sent, received, or stored by electronic, opti-  
23 cal, or similar means, including electronic data inter-  
24 change, electronic mail, telegram, telex, or telecopy.



1           “(5) ELECTRONIC RECEIPT.—The term ‘elec-  
2       tronic receipt’ means a receipt that is authorized by  
3       the Secretary to be issued or transmitted under this  
4       Act in the form of an electronic document.

5           “(6) HOLDER.—The term ‘holder’ means a per-  
6       son that has possession in fact or by operation of  
7       law of a receipt or any electronic document.

8           “(7) PERSON.—The term ‘person’ means—

9               “(A) a person (as defined in section 1 of  
10           title 1, United States Code);

11               “(B) a State; and

12               “(C) a political subdivision of a State.

13           “(8) RECEIPT.—The term ‘receipt’ means a  
14       warehouse receipt issued in accordance with this  
15       Act, including an electronic receipt.

16           “(9) SECRETARY.—The term ‘Secretary’ means  
17       the Secretary of Agriculture.

18           “(10) WAREHOUSE.—The term ‘warehouse’  
19       means a structure or other approved storage facility,  
20       as determined by the Secretary, in which any agri-  
21       cultural product may be stored or handled for the  
22       purposes of interstate or foreign commerce.

23           “(11) WAREHOUSE OPERATOR.—The term  
24       ‘warehouse operator’ means a person that is lawfully

1 engaged in the business of storing or handling agri-  
2 cultural products.

3 **“SEC. 3. POWERS OF SECRETARY.**

4 “(a) IN GENERAL.—The Secretary shall have exclu-  
5 sive power, jurisdiction, and authority, to the extent that  
6 this Act applies, with respect to—

7 “(1) each warehouse operator licensed under  
8 this Act;

9 “(2) each person that has obtained an approval  
10 to engage in an activity under this Act; and

11 “(3) each person claiming an interest in an ag-  
12 ricultural product by means of a document or receipt  
13 subject to this Act.

14 “(b) COVERED AGRICULTURAL PRODUCTS.—The  
15 Secretary shall specify, after an opportunity for notice and  
16 comment, those agricultural products for which a ware-  
17 house license may be issued under this Act.

18 “(c) INVESTIGATIONS.—The Secretary may inves-  
19 tigate the storing, warehousing, classifying according to  
20 grade and otherwise, weighing, and certifying of agricul-  
21 tural products.

22 “(d) INSPECTIONS.—The Secretary may inspect or  
23 cause to be inspected any person or warehouse licensed  
24 under this Act and any warehouse for which a license is  
25 applied for under this Act.

1       “(e) SUITABILITY FOR STORAGE.—The Secretary  
2 may determine whether a licensed warehouse, or a ware-  
3 house for which a license is applied for under this Act,  
4 is suitable for the proper storage of the agricultural prod-  
5 uct or products stored or proposed for storage in the ware-  
6 house.

7       “(f) CLASSIFICATION.—The Secretary may classify a  
8 licensed warehouse, or a warehouse for which a license is  
9 applied for under this Act, in accordance with the owner-  
10 ship, location, surroundings, capacity, conditions, and  
11 other qualities of the warehouse and as to the kinds of  
12 licenses issued or that may be issued for the warehouse  
13 under this Act.

14       “(g) WAREHOUSE OPERATOR’S DUTIES.—Subject to  
15 the other provisions of this Act, the Secretary may pre-  
16 scribe the duties of a warehouse operator operating a  
17 warehouse licensed under this Act with respect to the  
18 warehouse operator’s care of and responsibility for agricul-  
19 tural products stored or handled by the warehouse oper-  
20 ator.

21       “(h) SYSTEMS FOR ELECTRONIC CONVEYANCE.—

22               “(1) REGULATIONS GOVERNING ELECTRONIC  
23 SYSTEMS.—Except as provided in paragraph (2), the  
24 Secretary may promulgate regulations governing 1  
25 or more electronic systems under which electronic

1 receipts may be issued and transferred and other  
2 electronic documents relating to the shipment, pay-  
3 ment, and financing of the sale of agricultural prod-  
4 ucts may be issued or transferred.

5 “(2) LIMITATIONS.—The Secretary shall not  
6 have the authority under this Act to establish—

7 “(A) 1 or more central filing systems for  
8 the filing of financing statements or the filing  
9 of the notice of financing statements; or

10 “(B) rules to determine security interests  
11 of persons affected by this Act.

12 “(i) EXAMINATION AND AUDITS.—In addition to the  
13 authority provided under subsection (l), on request of the  
14 person, State agency, or commodity exchange, the Sec-  
15 retary may conduct an examination, audit, or similar ac-  
16 tivity with respect to—

17 “(1) any person that is engaged in the business  
18 of storing an agricultural product that is subject to  
19 this Act;

20 “(2) any State agency that regulates the stor-  
21 age of an agricultural product by such a person; or

22 “(3) any commodity exchange with regulatory  
23 authority over the storage of agricultural products  
24 that are subject to this Act.

1 “(j) LICENSES FOR OPERATION OF WAREHOUSES.—

2 The Secretary may issue to any warehouse operator a li-  
3 cense for the operation of a warehouse in accordance with  
4 this Act if—

5 “(1) the Secretary determines that the ware-  
6 house is suitable for the proper storage of the agri-  
7 cultural product or products stored or proposed for  
8 storage in the warehouse; and

9 “(2) the warehouse operator agrees, as a condi-  
10 tion of the license, to comply with this Act (includ-  
11 ing regulations promulgated under this Act).

12 “(k) LICENSING OF OTHER PERSONS.—

13 “(1) IN GENERAL.—On presentation of satisfac-  
14 tory proof of competency to carry out the activities  
15 described in this paragraph, the Secretary may issue  
16 to any person a Federal license—

17 “(A) to inspect any agricultural product  
18 stored or handled in a warehouse subject to this  
19 Act;

20 “(B) to sample such an agricultural prod-  
21 uct;

22 “(C) to classify such an agricultural prod-  
23 uct according to condition, grade, or other class  
24 and certify the condition, grade, or other class  
25 of the agricultural product; or

1                   “(D) to weigh such an agricultural product  
2                   and certify the weight of the agricultural prod-  
3                   uct.

4                   “(2) CONDITION.—As a condition of a license  
5                   issued under paragraph (1), the licensee shall agree  
6                   to comply with this Act (including regulations pro-  
7                   mulgated under this Act).

8                   “(1) EXAMINATION OF BOOKS, RECORDS, PAPERS,  
9                   AND ACCOUNTS.—The Secretary may examine and audit,  
10                  using designated officers, employees, or agents of the De-  
11                  partment, all books, records, papers, and accounts relating  
12                  to activities subject to this Act of—

13                  “(1) a warehouse operator operating a ware-  
14                  house licensed under this Act;

15                  “(2) a person operating a system for the elec-  
16                  tronic recording and transfer of receipts and other  
17                  documents authorized by the Secretary; or

18                  “(3) any other person issuing receipts or elec-  
19                  tronic documents authorized by the Secretary under  
20                  this Act.

21                  “(m) COOPERATION WITH STATES.—The Secretary  
22                  may—

23                  “(1) cooperate with officers and employees of a  
24                  State who administer or enforce State laws relating

1 to warehouses, warehouse operators, weighers, grad-  
2 ers, inspectors, samplers, or classifiers; and

3 “(2) enter into cooperative agreements with  
4 States to perform activities authorized under this  
5 Act.

6 **“SEC. 4. IMPOSITION AND COLLECTION OF FEES.**

7 “(a) IN GENERAL.—The Secretary shall assess per-  
8 sons covered by this Act fees to cover the costs of admin-  
9 istering this Act.

10 “(b) RATES.—The fees under this section shall be set  
11 at a rate determined by the Secretary.

12 “(c) TREATMENT OF FEES.—All fees collected under  
13 this section shall be credited to the account that incurs  
14 the costs of administering this Act and shall be available  
15 to the Secretary without further appropriation and with-  
16 out fiscal year limitation.

17 “(d) INTEREST.—Funds collected under this section  
18 may be deposited in an interest-bearing account with a  
19 financial institution, and any interest earned on the ac-  
20 count shall be credited under subsection (c).

21 “(e) EFFICIENCIES AND COST EFFECTIVENESS.—

22 “(1) IN GENERAL.—The Secretary shall seek to  
23 minimize the fees established under this section by  
24 improving efficiencies and reducing costs, including  
25 the efficient use of personnel to the extent prac-





1 assurance in the State, district, or territory in which the  
2 warehouse is located.

3 “(c) **ADDITIONAL ASSURANCES.**—If the Secretary de-  
4 termines that a previously approved bond or other finan-  
5 cial assurance is insufficient, the Secretary may suspend  
6 or revoke the license or approval covered by the bond or  
7 other financial assurance if the person that filed the bond  
8 or other financial assurance does not provide such addi-  
9 tional bond or other financial assurance as the Secretary  
10 determines appropriate.

11 “(d) **THIRD PARTY ACTIONS.**—Any person injured by  
12 the breach of any obligation arising under this Act for  
13 which a bond or other financial assurance has been ob-  
14 tained as required by this section may sue with respect  
15 to the bond or other financial assurance in a district court  
16 of the United States to recover the damages that the per-  
17 son sustained as a result of the breach.

18 **“SEC. 7. MAINTENANCE OF RECORDS.**

19 “To facilitate the administration of this Act, the fol-  
20 lowing persons shall maintain such records and make such  
21 reports, as the Secretary may by regulation require:

22 “(1) A warehouse operator that is licensed  
23 under this Act.

1           “(2) A person operating a system for the elec-  
2           tronic recording and transfer of receipts and other  
3           documents that are authorized under this Act.

4           “(3) Any other person engaged in the issuance  
5           of electronic receipts or the transfer of documents  
6           under this Act.

7   **“SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL**  
8           **PRODUCTS.**

9           “(a) IN GENERAL.—Subject to the capacity of a  
10          warehouse, a warehouse operator shall deal, in a fair and  
11          reasonable manner, with persons storing, or seeking to  
12          store, an agricultural product in the warehouse if the agri-  
13          cultural product—

14               “(1) is of the kind, type, and quality custom-  
15              arily stored or handled in the area in which the  
16              warehouse is located;

17               “(2) is tendered to the warehouse operator in a  
18              suitable condition for warehousing; and

19               “(3) is tendered in a manner that is consistent  
20              with the ordinary and usual course of business.

21           “(b) ALLOCATION.—Nothing in this section prohibits  
22          a warehouse operator from entering into an agreement  
23          with a depositor of an agricultural product to allocate  
24          available storage space.

1 **“SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.**

2 “(a) IN GENERAL.—A warehouse operator may com-  
3 mingle agricultural products in a manner approved by the  
4 Secretary.

5 “(b) LIABILITY.—A warehouse operator shall be sev-  
6 erally liable to each depositor or holder for the care and  
7 redelivery of the share of the depositor and holder of the  
8 commingled agricultural product to the same extent and  
9 under the same circumstances as if the agricultural prod-  
10 ucts had been stored separately.

11 **“SEC. 10. TRANSFER OF STORED AGRICULTURAL PROD-**  
12 **UCTS.**

13 “(a) IN GENERAL.—In accordance with regulations  
14 promulgated under this Act, a warehouse operator may  
15 transfer a stored agricultural product from 1 warehouse  
16 to another warehouse for continued storage.

17 “(b) CONTINUED DUTY.—The warehouse operator  
18 from which agricultural products have been transferred  
19 under subsection (a) shall deliver to the rightful owner of  
20 such products, on request at the original warehouse, such  
21 products in the quantity and of the kind, quality, and  
22 grade called for by the receipt or other evidence of storage  
23 of the owner.

24 **“SEC. 11. WAREHOUSE RECEIPTS.**

25 “(a) IN GENERAL.—At the request of the depositor  
26 of an agricultural product stored or handled in a ware-

1 house licensed under this Act, the warehouse operator  
2 shall issue a receipt to the depositor as prescribed by the  
3 Secretary.

4 “(b) ACTUAL STORAGE REQUIRED.—A receipt may  
5 not be issued under this section for an agricultural prod-  
6 uct unless the agricultural product is actually stored in  
7 the warehouse at the time of the issuance of the receipt.

8 “(c) CONTENTS.—Each receipt issued for an agricul-  
9 tural product stored or handled in a warehouse licensed  
10 under this Act shall contain such information, for each  
11 agricultural product covered by the receipt, as the Sec-  
12 retary may require by regulation.

13 “(d) PROHIBITION ON ADDITIONAL RECEIPTS OR  
14 OTHER DOCUMENTS.—

15 “(1) RECEIPTS.—While a receipt issued under  
16 this Act is outstanding and uncanceled by the ware-  
17 house operator, an additional receipt may not be  
18 issued for the same agricultural product (or any por-  
19 tion of the same agricultural product) represented  
20 by the outstanding receipt, except as authorized by  
21 the Secretary.

22 “(2) OTHER DOCUMENTS.—If a document is  
23 transferred under this section, no duplicate docu-  
24 ment in any form may be transferred by any person  
25 with respect to the same agricultural product rep-

1       resented by the document, except as authorized by  
2       the Secretary.

3       “(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOC-  
4       UMENTS.—Except as provided in section 3(h)(2), notwith-  
5       standing any other provision of Federal or State law:

6               “(1) IN GENERAL.—The Secretary may promul-  
7       gate regulations that authorize the issuance, record-  
8       ing, and transfer of electronic receipts, and the  
9       transfer of other electronic documents, in accordance  
10      with this subsection.

11              “(2) ELECTRONIC RECEIPT OR ELECTRONIC  
12      DOCUMENT SYSTEMS.—Electronic receipts may be  
13      issued, recorded, and transferred, and electronic doc-  
14      uments may be transferred, under this subsection  
15      with respect to an agricultural product under, a sys-  
16      tem or systems maintained in 1 or more locations  
17      and approved by the Secretary in accordance with  
18      regulations issued under this Act.

19              “(3) TREATMENT OF HOLDER.—Any person  
20      designated as the holder of an electronic receipt or  
21      other electronic document issued or transferred  
22      under this Act shall, for the purpose of perfecting  
23      the security interest of the person under Federal or  
24      State law and for all other purposes, be considered

1 to be in possession of the receipt or other electronic  
2 document.

3 “(4) NONDISCRIMINATION.—An electronic re-  
4 ceipt issued, or other electronic document trans-  
5 ferred, in accordance with this Act shall not be de-  
6 nied legal effect, validity, or enforceability on the  
7 ground that the information is generated, sent, re-  
8 ceived, or stored by electronic or similar means.

9 “(5) SECURITY INTERESTS.—If more than 1 se-  
10 curity interest exists in the agricultural product that  
11 is the subject of an electronic receipt or other elec-  
12 tronic document under this Act, the priority of the  
13 security interest shall be determined by the applica-  
14 ble Federal or State law.

15 “(6) NO ELECTRONIC RECEIPT REQUIRED.—A  
16 person shall not be required to issue in electronic  
17 form a receipt or document with respect to an agri-  
18 cultural product.

19 “(7) OPTION FOR NON-FEDERALLY LICENSED  
20 WAREHOUSE OPERATORS.—Notwithstanding any  
21 other provision of this Act, a warehouse operator not  
22 licensed under this Act may, at the option of the  
23 warehouse operator and in accordance with regula-  
24 tions established by the Secretary, issue electronic

1 receipts and transfer other electronic documents in  
2 accordance with this Act.

3 “(8) APPLICATION TO STATE-LICENSED WARE-  
4 HOUSE OPERATORS.—This subsection shall not  
5 apply to a warehouse operator that is licensed under  
6 State law to store agricultural commodities in a  
7 warehouse in the State if the warehouse operator  
8 elects—

9 “(A) not to issue electronic receipts au-  
10 thorized under this subsection; or

11 “(B) to issue electronic receipts authorized  
12 under State law.

13 **“SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL**  
14 **PRODUCTS.**

15 “(a) PROMPT DELIVERY.—In the absence of a lawful  
16 excuse, a warehouse operator shall, without unnecessary  
17 delay, deliver the agricultural product stored or handled  
18 in the warehouse on a demand made by—

19 “(1) the holder of the receipt for the agricul-  
20 tural product; or

21 “(2) the person that deposited the product, if  
22 no receipt has been issued.

23 “(b) PAYMENT TO ACCOMPANY DEMAND.—Prior to  
24 delivery of the agricultural product, payment of the ac-  
25 crued charges associated with the storage of the agricul-

1 tural product, including satisfaction of the  
2 warehouseman's lien, shall be made if requested by the  
3 warehouse operator.

4 “(c) SURRENDER OF RECEIPT.—When the holder of  
5 a receipt requests delivery of an agricultural product cov-  
6 ered by the receipt, the holder shall surrender the receipt  
7 to the warehouse operator, in the manner prescribed by  
8 the Secretary, to obtain the agricultural product.

9 “(d) CANCELLATION OF RECEIPT.—A warehouse op-  
10 erator shall cancel each receipt returned to the warehouse  
11 operator upon the delivery of the agricultural product for  
12 which the receipt was issued.

13 **“SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.**

14 “(a) IN GENERAL.—After providing notice and an  
15 opportunity for a hearing in accordance with this section,  
16 the Secretary may suspend or revoke any license issued,  
17 or approval for an activity provided, under this Act—

18 “(1) for a material violation of, or failure to  
19 comply, with any provision of this Act (including  
20 regulations promulgated under this Act); or

21 “(2) on the ground that unreasonable or exorbi-  
22 tant charges have been imposed for services ren-  
23 dered.

24 “(b) TEMPORARY SUSPENSION.—The Secretary may  
25 temporarily suspend a license or approval for an activity



1 under this Act prior to an opportunity for a hearing for  
2 any violation of, or failure to comply with, any provision  
3 of this Act (including regulations promulgated under this  
4 Act).

5 “(c) **AUTHORITY TO CONDUCT HEARINGS.**—The  
6 agency within the Department that is responsible for ad-  
7 ministering regulations promulgated under this Act shall  
8 have exclusive authority to conduct any hearing required  
9 under this section.

10 “(d) **JUDICIAL REVIEW.**—

11 “(1) **JURISDICTION.**—A final administrative de-  
12 termination issued subsequent to a hearing may be  
13 reviewable only in a district court of the United  
14 States.

15 “(2) **PROCEDURE.**—The review shall be con-  
16 ducted in accordance with the standards set forth in  
17 section 706(2) of title 5, United States Code.

18 **“SEC. 14. PUBLIC INFORMATION.**

19 “(a) **IN GENERAL.**—The Secretary may release to the  
20 public the names, addresses, and locations of all persons—

21 “(1) that have been licensed under this Act or  
22 that have been approved to engage in an activity  
23 under this Act; and

24 “(2) with respect to which a license or approval  
25 has been suspended or revoked under section 13, the

1 results of any investigation made or hearing con-  
2 ducted under this Act, including the reasons for the  
3 suspension or revocation.

4 “(b) CONFIDENTIALITY.—Except as otherwise pro-  
5 vided by law, an officer, employee, or agent of the Depart-  
6 ment shall not divulge confidential business information  
7 obtained during a warehouse examination or other func-  
8 tion performed as part of the duties of the officer, em-  
9 ployee, or agent under this Act.

10 **“SEC. 15. PENALTIES FOR NONCOMPLIANCE.**

11 “If a person fails to comply with any requirement of  
12 this Act (including regulations promulgated under this  
13 Act), the Secretary may assess, on the record after an op-  
14 portunity for a hearing, a civil penalty—

15 “(1) of not more than \$25,000 per violation, if  
16 an agricultural product is not involved in the viola-  
17 tion; or

18 “(2) of not more than 100 percent of the value  
19 of the agricultural product, if an agricultural prod-  
20 uct is involved in the violation.

21 **“SEC. 16. JURISDICTION AND ARBITRATION.**

22 “(a) FEDERAL JURISDICTION.—A district court of  
23 the United States shall have exclusive jurisdiction over any  
24 action brought under this Act without regard to the  
25 amount in controversy or the citizenship of the parties.

1       “(b) ARBITRATION.—Nothing in this Act prevents  
2 the enforceability of an agreement to arbitrate that would  
3 otherwise be enforceable under chapter 1 of title 9, United  
4 States Code.

5       **“SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

6       “There are authorized to be appropriated such sums  
7 as are necessary to carry out this Act.”.

8       **SEC. 202. REGULATIONS.**

9       (a) PROPOSED REGULATIONS.—Not later than 90  
10 days after the date of enactment of this Act, the Secretary  
11 of Agriculture shall publish in the Federal Register pro-  
12 posed regulations for carrying out the amendment made  
13 by section 201.

14       (b) FINAL REGULATIONS.—Not later than 180 days  
15 after the date of enactment of this Act, the Secretary shall  
16 promulgate final regulations for carrying out the amend-  
17 ment made by section 201.

18       (c) EFFECTIVENESS OF EXISTING ACT.—The United  
19 States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed  
20 before the amendment made by section 201) shall be effec-  
21 tive until the earlier of—

22               (1) the date on which final regulations are pro-  
23 mulgated under subsection (b); or

24               (2) August 1, 2001.

1       **TITLE III—MISCELLANEOUS**

2       **SEC. 301. ENERGY GENERATION, TRANSMISSION, AND DIS-**  
3                   **TRIBUTION FACILITIES EFFICIENCY GRANTS**  
4                   **AND LOANS IN RURAL COMMUNITIES WITH**  
5                   **EXTREMELY HIGH ENERGY COSTS.**

6       Title I of the Rural Electrification Act of 1936 (7  
7       U.S.C. 901 et seq.) is amended by adding at the end the  
8       following:

9       **“SEC. 19. ENERGY GENERATION, TRANSMISSION, AND DIS-**  
10                   **TRIBUTION FACILITIES EFFICIENCY GRANTS**  
11                   **AND LOANS IN RURAL COMMUNITIES WITH**  
12                   **EXTREMELY HIGH ENERGY COSTS.**

13       “(a) IN GENERAL.—The Secretary, acting through  
14       the Rural Utilities Service, may—

15               “(1) in coordination with State rural develop-  
16       ment initiatives, make grants and loans to persons,  
17       States, political subdivisions of States, and other en-  
18       tities organized under the laws of States to acquire,  
19       construct, extend, upgrade, and otherwise improve  
20       energy generation, transmission, or distribution fa-  
21       cilities serving communities in which the average  
22       residential expenditure for home energy is at least  
23       275 percent of the national average residential ex-  
24       penditure for home energy (as determined by the

1 Energy Information Agency using the most recent  
2 data available);

3 “(2) make grants and loans to the Denali Com-  
4 mission established by the Denali Commission Act of  
5 1998 (42 U.S.C. 3121 note; Public Law 105–277)  
6 to acquire, construct, extend, upgrade, and otherwise  
7 improve energy generation, transmission, or distribu-  
8 tion facilities serving communities described in para-  
9 graph (1); and

10 “(3) make grants to State entities, in existence  
11 as of the date of enactment of this section, to estab-  
12 lish and support a revolving fund to provide a more  
13 cost-effective means of purchasing fuel where the  
14 fuel cannot be shipped by means of surface transpor-  
15 tation.

16 “(b) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There are authorized to be  
18 appropriated to carry out this section \$50,000,000  
19 for fiscal year 2001 and such sums as are necessary  
20 for each subsequent fiscal year.

21 “(2) LIMITATION ON PLANNING AND ADMINIS-  
22 TRATIVE EXPENSES.—Not more than 4 percent of  
23 the amounts made available under paragraph (1)  
24 may be used for planning and administrative ex-  
25 penses.”.

1 **SEC. 302. CARRY FORWARD ADJUSTMENT.**

2 The amendments made by section 204(b)(10)(A) of  
3 the Agricultural Risk Protection Act of 2000 shall apply  
4 beginning with undermarketings of the 2001 crop of bur-  
5 ley tobacco and with marketings of the 2002 crop of burley  
6 tobacco.

7 **SEC. 303. FEES AND PENALTIES FOR MEDIATION AND ARBI-**  
8 **TRATION OF DISPUTES INVOLVING AGRICUL-**  
9 **TURAL PRODUCTS MOVING IN FOREIGN COM-**  
10 **MERCE UNDER MULTINATIONAL ENTITIES.**

11 Section 203(e) of the Agricultural Marketing Act of  
12 1946 (7 U.S.C. 1622(e)) is amended—

13 (1) by striking “(e) To” and inserting the fol-  
14 lowing:

15 “(e) DEVELOPMENT OF NEW MARKETS.—

16 “(1) IN GENERAL.—To”; and

17 (2) by adding at the end the following:

18 “(2) FEES AND PENALTIES.—

19 “(A) IN GENERAL.—In carrying out para-  
20 graph (1), the Secretary may assess and collect  
21 reasonable fees and late payment penalties to  
22 mediate and arbitrate disputes arising between  
23 parties in connection with transactions involving  
24 agricultural products moving in foreign com-  
25 merce under the jurisdiction of a multinational  
26 entity.

1           “(B) DEPOSIT.—Fees and penalties col-  
2           lected under subparagraph (A) shall be depos-  
3           ited into the account that incurred the cost of  
4           providing the mediation or arbitration service.

5           “(C) AVAILABILITY.—Fees and penalties  
6           collected under subparagraph (A) shall be avail-  
7           able to the Secretary without further Act of ap-  
8           propriation and shall remain available until ex-  
9           pended to pay the expenses of the Secretary for  
10          providing mediation and arbitration services  
11          under this paragraph.

12          “(D) NO REQUIREMENT FOR USE OF  
13          SERVICES.—No person shall be required by the  
14          Secretary to use the mediation and arbitration  
15          services provided under this paragraph.”.

16 **SEC. 304. COMMUNITY FACILITIES GRANT PROGRAM FOR**  
17 **RURAL COMMUNITIES WITH EXTREME UNEM-**  
18 **PLOYMENT AND SEVERE ECONOMIC DEPRES-**  
19 **SION.**

20          (a) IN GENERAL.—Section 306(a) of the Consoli-  
21          dated Farm and Rural Development Act (7 U.S.C.  
22          1926(a)) is amended by adding at the end the following:

23               “(20) COMMUNITY FACILITIES GRANT PROGRAM  
24          FOR RURAL COMMUNITIES WITH EXTREME UNEM-  
25          PLOYMENT AND SEVERE ECONOMIC DEPRESSION.—

1           “(A) DEFINITION OF NOT EMPLOYED  
2           RATE.—In this paragraph, the term ‘not em-  
3           ployed rate’, with respect to a community,  
4           means the percentage of individuals over the  
5           age of 18 who reside within the community and  
6           who are ready, willing, and able to be employed  
7           but are unable to find employment, as deter-  
8           mined by the department of labor of the State  
9           in which the community is located.

10           “(B) GRANT AUTHORITY.—The Secretary  
11           may make grants to associations, units of gen-  
12           eral local government, nonprofit corporations,  
13           and Indian tribes (as defined in section 4 of the  
14           Indian Self-Determination and Education As-  
15           sistance Act (25 U.S.C. 450b)) in a State to  
16           provide the Federal share of the cost of devel-  
17           oping specific essential community facilities in  
18           rural communities with respect to which the not  
19           employed rate is greater than the lesser of—

20           “(i) 500 percent of the average na-  
21           tional unemployment rate on the date of  
22           enactment of this paragraph, as deter-  
23           mined by the Bureau of Labor Statistics;  
24           or



1                   “(ii) 200 percent of the average na-  
2                   tional unemployment rate during the Great  
3                   Depression, as determined by the Bureau  
4                   of Labor Statistics.

5                   “(C)       FEDERAL       SHARE.—Paragraph  
6                   (19)(B) shall apply to a grant made under this  
7                   paragraph.

8                   “(D)   AUTHORIZATION   OF   APPROPRIA-  
9                   TIONS.—There are authorized to be appro-  
10                  priated to carry out this paragraph  
11                  \$50,000,000 for fiscal year 2001 and such  
12                  sums as are necessary for each subsequent fis-  
13                  cal year, of which not more than 5 percent of  
14                  the amount made available for a fiscal year  
15                  shall be available for community planning and  
16                  implementation.”.

17       (b)       CONFORMING       AMENDMENT.—Section  
18   381E(d)(1)(B) of the Consolidated Farm and Rural De-  
19   velopment Act (7 U.S.C. 2009d(d)(1)(B)) is amended by  
20   striking “section 306(a)(19)” and inserting “paragraph  
21   (19) or (20) of section 306(a)”.

1 **SEC. 305. COMMUNITY FACILITIES GRANT PROGRAM FOR**  
2 **RURAL COMMUNITIES WITH HIGH LEVELS OF**  
3 **OUT-MIGRATION OR LOSS OF POPULATION.**

4 (a) IN GENERAL.—Section 306(a) of the Consoli-  
5 dated Farm and Rural Development Act (7 U.S.C.  
6 1926(a)) (as amended by section 304(a)) is amended by  
7 adding at the end the following:

8 “(21) COMMUNITY FACILITIES GRANT PROGRAM  
9 FOR RURAL COMMUNITIES WITH HIGH LEVELS OF  
10 OUT-MIGRATION OR LOSS OF POPULATION.—

11 “(A) GRANT AUTHORITY.—The Secretary  
12 may make grants to associations, units of gen-  
13 eral local government, nonprofit corporations,  
14 and Indian tribes (as defined in section 4 of the  
15 Indian Self-Determination and Education As-  
16 sistance Act (25 U.S.C. 450b)) in a State to  
17 provide the Federal share of the cost of devel-  
18 oping specific essential community facilities in  
19 any geographic area—

20 “(i) that is represented by—

21 “(I) any political subdivision of a  
22 State;

23 “(II) an Indian tribe on a Fed-  
24 eral or State reservation; or

25 “(III) other federally recognized  
26 Indian tribal group;

1 “(ii) that is located in a rural area (as  
2 defined in section 381A);

3 “(iii) with respect to which, during  
4 the most recent 5-year period, the net out-  
5 migration of inhabitants, or other popu-  
6 lation loss, from the area equals or exceeds  
7 5 percent of the population of the area;  
8 and

9 “(iv) that has a median household in-  
10 come that is less than the nonmetropolitan  
11 median household income of the United  
12 States.

13 “(B) FEDERAL SHARE.—Paragraph  
14 (19)(B) shall apply to a grant made under this  
15 paragraph.

16 “(C) AUTHORIZATION OF APPROPRIA-  
17 TIONS.—There are authorized to be appro-  
18 priated to carry out this paragraph  
19 \$50,000,000 for fiscal year 2001 and such  
20 sums as are necessary for each subsequent fis-  
21 cal year, of which not more than 5 percent of  
22 the amount made available for a fiscal year  
23 shall be available for community planning and  
24 implementation.”.

1 (b) CONFORMING AMENDMENT.—Section  
2 381E(d)(1)(B) of the Consolidated Farm and Rural De-  
3 velopment Act (7 U.S.C. 2009d(d)(1)(B)) (as amended by  
4 section 304(b)) is amended by striking “paragraph (19)  
5 or (20)” and inserting “paragraph (19), (20), or (21)”.

6 **SEC. 306. STATE AGRICULTURAL MEDIATION PROGRAMS.**

7 (a) ELIGIBLE PERSON; MEDIATION SERVICES.—Sec-  
8 tion 501 of the Agricultural Credit Act of 1987 (7 U.S.C.  
9 5101) is amended—

10 (1) in subsection (c), by striking paragraphs (1)  
11 and (2) and inserting the following:

12 “(1) ISSUES COVERED.—

13 “(A) IN GENERAL.—To be certified as a  
14 qualifying State, the mediation program of the  
15 State must provide mediation services to per-  
16 sons described in paragraph (2) that are in-  
17 volved in agricultural loans (regardless of  
18 whether the loans are made or guaranteed by  
19 the Secretary or made by a third party).

20 “(B) OTHER ISSUES.—The mediation pro-  
21 gram of a qualifying State may provide medi-  
22 ation services to persons described in paragraph  
23 (2) that are involved in 1 or more of the fol-  
24 lowing issues under the jurisdiction of the De-  
25 partment of Agriculture:

1 “(i) Wetlands determinations.

2 “(ii) Compliance with farm programs,  
3 including conservation programs.

4 “(iii) Agricultural credit.

5 “(iv) Rural water loan programs.

6 “(v) Grazing on National Forest Sys-  
7 tem land.

8 “(vi) Pesticides.

9 “(vii) Such other issues as the Sec-  
10 retary considers appropriate.

11 “(2) PERSONS ELIGIBLE FOR MEDIATION.—

12 “(A) IN GENERAL.—Subject to subpara-  
13 graph (B), the persons referred to in paragraph  
14 (1) include—

15 “(i) agricultural producers;

16 “(ii) creditors of producers (as appli-  
17 cable); and

18 “(iii) persons directly affected by ac-  
19 tions of the Department of Agriculture.

20 “(B) VOLUNTARY PARTICIPATION.—

21 “(i) IN GENERAL.—Subject to clause  
22 (ii) and section 503, a person may not be  
23 compelled to participate in mediation serv-  
24 ices provided under this Act.

1                   “(ii) STATE LAWS.—Clause (i) shall  
2                   not affect a State law requiring mediation  
3                   before foreclosure on agricultural land or  
4                   property.”; and

5                   (2) by adding at the end the following:

6                   “(d) DEFINITION OF MEDIATION SERVICES.—In this  
7                   section, the term ‘mediation services’, with respect to me-  
8                   diation or a request for mediation, may include all activi-  
9                   ties related to—

10                  “(1) the intake and scheduling of cases;

11                  “(2) the provision of background and selected  
12                  information regarding the mediation process;

13                  “(3) financial advisory and counseling services  
14                  (as appropriate) performed by a person other than  
15                  a State mediation program mediator; and

16                  “(4) the mediation session.”.

17                  (b) USE OF MEDIATION GRANTS.—Section 502(c) of  
18                  the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c))  
19                  is amended—

20                  (1) by striking “Each” and inserting the fol-  
21                  lowing:

22                  “(1) IN GENERAL.—Each”; and

23                  (2) by adding at the end the following:

24                  “(2) OPERATION AND ADMINISTRATION EX-  
25                  PENSES.—For purposes of paragraph (1), operation

1       and administration expenses for which a grant may  
2       be used include—

3               “(A) salaries;

4               “(B) reasonable fees and costs of medi-  
5       ators;

6               “(C) office rent and expenses, such as util-  
7       ities and equipment rental;

8               “(D) office supplies;

9               “(E) administrative costs, such as workers’  
10       compensation, liability insurance, the employ-  
11       er’s share of Social Security, and necessary  
12       travel;

13               “(F) education and training;

14               “(G) security systems necessary to ensure  
15       the confidentiality of mediation sessions and  
16       records of mediation sessions;

17               “(H) costs associated with publicity and  
18       promotion of the mediation program;

19               “(I) preparation of the parties for medi-  
20       ation; and

21               “(J) financial advisory and counseling  
22       services for parties requesting mediation.”.

23       (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
24   506 of the Agricultural Credit Act of 1987 (7 U.S.C.

1 5106) is amended by striking “2000” and inserting  
2 “2005”.

3 **SEC. 307. ADJUSTMENTS TO NUTRITION PROGRAMS.**

4 (a) PAYMENT OF COSTS ASSOCIATED WITH RE-  
5 MOVAL OF COMMODITIES THAT POSE A HEALTH OR  
6 SAFETY RISK.—Section 15(e) of the Commodity Distribu-  
7 tion Reform Act and WIC Amendments of 1987 (7 U.S.C.  
8 612c note; Public Law 100–237) is amended by striking  
9 “2000” and inserting “2003”.

10 (b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM  
11 FOR WOMEN, INFANTS, AND CHILDREN.—

12 (1) COST-OF-LIVING ALLOWANCES FOR MEM-  
13 BERS OF UNIFORMED SERVICES.—Section  
14 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966  
15 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by strik-  
16 ing “continental” and inserting “contiguous States  
17 of the”.

18 (2) DEMONSTRATION PROJECT.—Effective Oc-  
19 tober 1, 2000, section 17(r)(1) of the Child Nutri-  
20 tion Act of 1966 (42 U.S.C. 1786(r)(1)) is amended  
21 by striking “at least 20 local agencies” and inserting  
22 “not more than 20 local agencies”.

23 (c) CHILD AND ADULT CARE FOOD PROGRAM.—



1           (1) TECHNICAL AMENDMENTS.—Section 17 of  
2       the Richard B. Russell National School Lunch Act  
3       (42 U.S.C. 1766) is amended—

4           (A) by striking the section heading and all  
5       that follows through “SEC. 17.” and inserting  
6       the following:

7       **“SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.”;**

8           and

9           (B) in subsection (a)(6)(C)(ii), by striking  
10      “and” at the end.

11          (2) EXCEPTIONS TO HEARING REQUIRE-  
12      MENTS.—Section 17(d)(5)(D) of the Richard B.  
13      Russell National School Lunch Act (42 U.S.C.  
14      1766(d)(5)(D)) is amended—

15          (A) by striking “(D) HEARING.—An insti-  
16      tution” and inserting the following:

17          “(D) HEARING.—

18              “(i) IN GENERAL.—Except as pro-  
19      vided in clause (ii), an institution”; and

20          (B) by adding at the end the following:

21              “(ii) EXCEPTION FOR FALSE OR  
22      FRAUDULENT CLAIMS.—

23                  “(I) IN GENERAL.—If a State  
24      agency determines that an institution  
25      has knowingly submitted a false or

1 fraudulent claim for reimbursement,  
2 the State agency may suspend the  
3 participation of the institution in the  
4 program in accordance with this  
5 clause.

6 “(II) REQUIREMENT FOR RE-  
7 VIEW.—Prior to any determination to  
8 suspend participation of an institution  
9 under subclause (I), the State agency  
10 shall provide for an independent re-  
11 view of the proposed suspension in ac-  
12 cordance with subclause (III).

13 “(III) REVIEW PROCEDURE.—  
14 The review shall—

15 “(aa) be conducted by an  
16 independent and impartial official  
17 other than, and not accountable  
18 to, any person involved in the de-  
19 termination to suspend the insti-  
20 tution;

21 “(bb) provide the State  
22 agency and the institution the  
23 right to submit written docu-  
24 mentation relating to the suspen-  
25 sion, including State agency doc-

1                   umentation of the alleged false or  
2                   fraudulent claim for reimburse-  
3                   ment and the response of the in-  
4                   stitution to the documentation;

5                   “(cc) require the reviewing  
6                   official to determine, based on  
7                   the review, whether the State  
8                   agency has established, based on  
9                   a preponderance of the evidence,  
10                  that the institution has know-  
11                  ingly submitted a false or fraudu-  
12                  lent claim for reimbursement;

13                  “(dd) require the suspension  
14                  to be in effect for not more than  
15                  120 calendar days after the insti-  
16                  tution has received notification of  
17                  a determination of suspension in  
18                  accordance with this clause; and

19                  “(ee) require the State agen-  
20                  cy during the suspension to en-  
21                  sure that payments continue to  
22                  be made to sponsored centers  
23                  and family and group day care  
24                  homes meeting the requirements  
25                  of the program.

1                   “(IV) HEARING.—A State agen-  
2                   cy shall provide an institution that  
3                   has been suspended from participation  
4                   in the program under this clause an  
5                   opportunity for a fair hearing on the  
6                   suspension conducted in accordance  
7                   with subsection (e)(1).”.

8                   (3) STATEWIDE DEMONSTRATION PROJECTS IN-  
9                   VOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PRO-  
10                  VIDING NONRESIDENTIAL DAY CARE SERVICES.—  
11                  Section 17(p)(3)(C) of the Richard B. Russell Na-  
12                  tional School Lunch Act (42 U.S.C. 1766(p)(3)(C))  
13                  is amended—

14                   (A) in clause (iii), by striking “all fami-  
15                   lies” and inserting “all low-income families”;  
16                   and

17                   (B) in clause (iv), by striking “made” and  
18                   inserting “reported for fiscal year 1998”.

19 **SEC. 308. AUTHORIZATION FOR SECRETARY OF AGRI-**  
20 **CULTURE TO PURCHASE AND TRANSFER**  
21 **LAND.**

22                  Subject to the availability of funds appropriated to  
23 the Agricultural Research Service, the Secretary of Agri-  
24 culture may—

1           (1) purchase a tract of land in the State of  
2       South Carolina that is contiguous to land owned on  
3       the date of enactment of this Act by the Department  
4       of Agriculture, acting through the Coastal Plains  
5       Soil, Water, and Plant Research Center of the Agri-  
6       cultural Research Service; and

7           (2) transfer land owned by the Department of  
8       Agriculture to the Florence Darlington Technical  
9       College, South Carolina, in exchange for land owned  
10      by the College.

11 **SEC. 309. EXTENSION OF TIME PERIOD FOR FILING CER-**  
12 **TAIN COMPLAINTS ALLEGING PREPARATION**  
13 **OF FALSE INSPECTION CERTIFICATES.**

14       Notwithstanding section 6(a)(1) of the Perishable  
15   Agricultural Commodities Act, 1930 (7 U.S.C.  
16   499f(a)(1)), a person that desires to file a complaint under  
17   section 6 of that Act involving the allegation of a false  
18   inspection certificate prepared by a grader of the Depart-  
19   ment of Agriculture at Hunts Point Terminal Market,  
20   Bronx, New York, prior to October 27, 1999, may file the  
21   complaint not later than January 1, 2001.

22 **SEC. 310. INTERNATIONAL FOOD RELIEF PARTNERSHIP.**

23       (a) ASSISTANCE FOR STOCKPILING AND RAPID  
24   TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF  
25   SHELF-STABLE PREPACKAGED FOODS.—Title II of the

1 Agricultural Trade Development and Assistance Act of  
2 1954 (7 U.S.C. 1721 et seq.) is amended by adding at  
3 the end the following:

4 **“SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID**  
5 **TRANSPORTATION, DELIVERY, AND DIS-**  
6 **TRIBUTION OF SHELF-STABLE PRE-**  
7 **PACKAGED FOODS.**

8 “(a) IN GENERAL.—The Administrator may provide  
9 grants to—

10 “(1) United States nonprofit organizations (de-  
11 scribed in section 501(c)(3) of the Internal Revenue  
12 Code of 1986 and exempt from tax under section  
13 501(a) of the Internal Revenue Code of 1986) for  
14 the preparation of shelf-stable prepackaged foods re-  
15 quested by eligible organizations and the establish-  
16 ment and maintenance of stockpiles of the foods in  
17 the United States; and

18 “(2) private voluntary organizations and inter-  
19 national organizations for the rapid transportation,  
20 delivery, and distribution of shelf-stable prepackaged  
21 foods described in paragraph (1) to needy individ-  
22 uals in foreign countries.

23 “(b) GRANTS FOR ESTABLISHMENT OF STOCK-  
24 PILES.—

1           “(1) IN GENERAL.—Not more than 70 percent  
2           of the amount made available to carry out this sec-  
3           tion shall be used to provide grants under subsection  
4           (a)(1).

5           “(2) PRIORITY.—In providing grants under  
6           subsection (a)(1), the Administrator shall provide a  
7           preference to a United States nonprofit organization  
8           that agrees to provide—

9                   “(A) non-Federal funds in an amount  
10                  equal to 50 percent of the amount of funds re-  
11                  ceived under a grant under subsection (a)(1);

12                  “(B) an in-kind contribution in an amount  
13                  equal to that percentage; or

14                  “(C) a combination of such funds and an  
15                  in-kind contribution;

16           for the preparation of shelf-stable prepackaged foods  
17           and the establishment and maintenance of stockpiles  
18           of the foods in the United States in accordance with  
19           subsection (a)(1).

20           “(c) GRANTS FOR RAPID TRANSPORTATION, DELIV-  
21           ERY, AND DISTRIBUTION.—Not less than 20 percent of  
22           the amount made available to carry out this section shall  
23           be used to provide grants under subsection (a)(2).

24           “(d) ADMINISTRATION.—Not more than 10 percent  
25           of the amount made available to carry out this section may

1 be used by the Administrator for the administration of  
2 grants under subsection (a).

3 “(e) REGULATIONS OR GUIDELINES.—Not later than  
4 180 days after the date of enactment of this section, the  
5 Administrator, in consultation with the Secretary, shall  
6 issue such regulations or guidelines as the Administrator  
7 determines to be necessary to carry out this section, in-  
8 cluding regulations or guidelines that provide to United  
9 States nonprofit organizations eligible to receive grants  
10 under subsection (a)(1) guidance with respect to the re-  
11 quirements for qualified shelf-stable prepackaged foods  
12 and the quantity of the foods to be stockpiled by the orga-  
13 nizations.

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to the Administrator to  
16 carry out this section, in addition to amounts otherwise  
17 available to carry out this section, \$3,000,000 for each  
18 of fiscal years 2001 and 2002, to remain available until  
19 expended.”.

20 (b) PREPOSITIONING OF COMMODITIES.—Section  
21 407(c) of the Agricultural Trade Development and Assist-  
22 ance Act of 1954 (7 U.S.C. 1736a(c)) is amended by add-  
23 ing at the end the following:

24 “(4) PREPOSITIONING.—Funds made available  
25 for fiscal years 2001 and 2002 to carry out titles II



1       and III may be used by the Administrator to pro-  
2       cure, transport, and store agricultural commodities  
3       for prepositioning within the United States and in  
4       foreign countries, except that for each such fiscal  
5       year not more than \$2,000,000 of such funds may  
6       be used to store agricultural commodities for  
7       prepositioning in foreign countries.”.